

REMARKS

Claims 1, 2, 5, 7, 9, 10, 13, 15, 17, 18, 21-23, 25-29, 31, 34, 42-45, 53-55, 58-61, 64, 65, and 75-77 are pending in the present application.

Applicant notes at sections 2-4 of the final Official Action that various objections and rejections have been overcome in applicant's response filed on 15 May 2008.

Objection to the Specification

At section 5, the specification is objected to for failing to provide proper antecedent basis for the claimed subject matter and, in particular, with respect to claims 42, 64, and 65, it is alleged that applicant has failed to provide antecedent basis for the claim terminology "computer-readable storage medium". Applicant respectfully disagrees.

Thus, at page 14, lines 4-5, the application as originally filed states, "The service discovery server 10 generates announcements of IP services and IP sessions based on the metadata found in the ESG database 9." Clearly, such a server is a computer system which necessarily includes, among other things, at least one processor, memory, and storage typically in the form of a hard disk drive or the like. Each of these different types of memory are, in fact, computer readable storage medium as is well known to anyone of ordinary skill in the art. Furthermore, at page 6, lines 9-12 of the original application as filed, it is stated: "According to a second aspect of the present invention, there is provided a computer program which, when executed by data processing apparatus, causes the data processing apparatus to perform a method of announcing sessions transmitted through a network." This paragraph was amended in applicant's preliminary amendment filed on June 20, 2005 specifically reciting a computer program product having program code stored on a readable medium so that when executed by the data processing apparatus, causes the data processing apparatus to perform a method of announcing sessions transmitted through a network. No objection to the preliminary amendment was made by the Office and it is respectfully submitted that the preliminary amendment of the specification does not add

new matter since it is clear to one of ordinary skill in the art that a computer program must be stored (encoded) on a storage medium for the data processing apparatus, such as a server, to be able to load and execute the code forming the computer program.

Consequently, it is respectfully submitted that there is proper antecedent basis for the term "computer readable storage medium" as set forth in the application as filed.

Furthermore, the statement at page 3, lines 3-6 concerning a question as to whether non-statutory embodiments would be fairly conveyed to one of ordinary skill given the terminology used is respectfully refuted since it is not seen how a computer-readable storage medium is a type of media for "carrying" signals through some form of propagation or transmission medium since a storage medium in fact means a medium that stores rather than propagates or transmits the program code or data structure as set forth in claims 42, 64, and 65.

Reconsideration of the objection at section 5 of the Official Action is therefore respectfully requested.

Claim Rejections - 35 USC §101

At section 7, claims 42, 58-61, 64, and 65 are rejected under 35 USC §101 as directed to non-statutory subject matter on the grounds that the claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC §101.

In view of the fact that a computer readable storage medium does find proper antecedent basis in the present application for the reasons set forth above, it is respectfully submitted that such a storage medium encoded with instructions which when executed by a data processing apparatus would cause the performance of the actions recited in claim 1 is the very type of functional descriptive material recorded on a computer-readable medium which becomes structurally and functionally interrelated to the medium and therefore statutory since the technology permits the function of the

descriptive material to be realized (see *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994).

Consequently, claim 42 is believed to recite statutory subject matter within the meaning of 35 USC §101.

Regarding claims 58-61, each of these claims is directed to an apparatus which comprises a processor and a receiver wherein it is recited that the receiver is configured to selectively receive a first set of announcements describing a plurality of sessions transmitted through a network and to provide a first set of announcements to the processor, as well as the receiver being configured to selectively receive a second set of announcements describing at least one updated session and to provide the second set of announcements to the processor. Such an apparatus is clearly a physical entity in combination and furthermore the actions recited therein produce a useful, concrete and tangible result; namely, the selective receiving of a first set of announcements describing a plurality of sessions, as well as selectively receiving a second set of announcements describing at least one updated session so as to provide such an updated set of announcements to the processor.

It is therefore respectfully submitted that such selective reception and providing of these announcements to a processor sets forth a useful (i.e., specific, substantial, and credible) result which produces a practical and real world result and is therefore tangible and which produces such a result in a repeatable fashion (and therefore a concrete result) as the terms "useful", "tangible", and "concrete" are interpreted in the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility.

Consequently, each of these claims is also believed to recite statutory subject matter within the meaning of 35 USC §101.

Claims 64 and 65 both recite a computer readable medium having stored thereon a data structure, comprising at least two sets of announcements, as well as program schedule data being organized at least partly from a first set of

announcements describing at least partly a plurality of sessions and at least partly from a second set of announcements describing at least one at least partly updated session.

Since such a data structure and program schedule data as organized at least partly from a first set of announcements describing at least partly a plurality of sessions and at least partly from a second set of announcements describing at least one at least partly updated session sets forth a useful, concrete and tangible result similar to that described above with respect to claims 58-61, such a computer-readable storage medium having stored thereon a data structure comprising such announcements and program schedule data is believed to recite statutory subject matter within the meaning of 35 USC §101.

Claim Rejections - 35 USC §102

At section 9, claims 1, 2, 5, 7, 9, 10, 13, 15, 21, 22, 25-29, 31, 34, 42-45, 53-55, 58-61, 64, 65, 75, 76, and 77 are rejected under 35 USC §102(e) as anticipated in view of US patent 7,080,078, Slaughter, et al (hereinafter Slaughter).

With respect to claim 1, it is asserted that Slaughter teaches the recited actions of providing a first set of announcements describing a plurality of sessions transmitted through a network, providing a second set of announcements describing at least one updated session and transmitting said first and second set of announcements. Applicant respectfully disagrees.

In particular, the Office asserts that Slaughter describes the feature of “providing a first set of announcements describing a plurality of sessions transmitted through a network”. Reliance is made to Slaughter as follows:

“This invention relates to distributed computing environments including Web-centric and Internet-centric distributed computing environments, and more particularly to a heterogeneous distributed computing environment based upon a message passing model for connecting network clients and services.” (Slaughter, column 1, lines 25-31)

“A more recent technology, Jini from Sun Microsystems, Inc., seeks to simplify the connection and sharing of devices such as printers and disk drives on a network. A

device that incorporates Jini may announce itself to the network, may provide some details about its capabilities, and may immediately become accessible to other devices on the network. Jini allows for distributed computing where the capabilities of the various devices are shared on a network. The Jini technology seeks to enable users to share services and resources over a network. Another goal of the Jini technology is to provide users with easy access to resources anywhere on the network while allowing the network location of the user to change. Jini also seeks to simplify the task of building, maintaining and altering a network of devices, software and users.” (Slaughter, column 2, lines 14-28)

“In one embodiment, space services in the distributed computing environment may use the Multicast Announcement Protocol (multicast UDP) to announce themselves on a LAN. This information may be recorded by a listener agent.” (Slaughter, column 41, lines 19-23)

However, these passages, particularly the last passage, merely describe use of multicast UDP (User Datagram Protocol). The term “multicast” means transmitting to several addresses simultaneously and “UDP” is a transmission protocol comprising a header and payload, the header having four fields: source port, destination port, length and checksum.

However, there is no disclosure of the multicast UDP being used to send announcements describing a plurality of sessions transmitted through a network.

For example, Slaughter does not describe using session announcements using Session Announcement Protocol (SAP) or Session Description Protocol (SDP) as identified in the present application (see, for example, page 20, lines 22-33).

In fact, Slaughter does not describe any form of a session which is transmitted through a network such as, for example, an IP stream transmitted at a given time.

The Office considers that Slaughter also describes the feature of “providing a second set of announcements describing a plurality of updated sessions transmitted through a network”, relying on the following passages of Slaughter:

“A gate may be constructed as a single atomic unit of code and data that

performs type verification and/or message correctness verification and/or sender identification for messages between a client and a service in the distributed computing environment. In one embodiment, once the atomic unit of code and data for a message gate has been created, it cannot be altered as to its typing, message descriptors, and sender identification. In another embodiment, the gate may be modified as to the contents of the message schema after the gate is created, including deleting, adding, or modifying messages in the message schema.” (Slaughter, column 21, lines 30-40)

“Space facilities may also include security administration, for example, to update the various security policies of the space, and other administrative facilities. For example, the number and age of advertisements may be controlled and monitored by a root space service. Old advertisements may be collected and disposed. See, e.g., the Leases section herein for when an advertisement may be considered old. The service implementing the space may be under the control of an administrator. The administrator may set policy in a service dependent manner.” (Slaughter, column 50, lines 43-52)

“In one embodiment, a space itself is a service. Like any service, a space has an advertisement, which a client of the space must first obtain in order to be able to run that space service. A space's own advertisement may include an XML schema, a credential or credentials, and a URI (Uniform Resource Identifier) which indicate how to access the space. A client may construct a gate from a space service's advertisement in order to access the space. A client of a space may itself be a service provider seeking to advertise in that space or modify an existing advertisement. Or a client of a space may be an application seeking to access a service or content listed by the space. Thus, spaces may provide catalysts for the interaction between clients and services in the distributed computing environment.” (Slaughter, column 7, line 59 to column 8, line 5)

It thus appears that the Office has interpreted the “gate” in Slaughter as “providing a second set of announcements describing at least one updated session transmitted through a network”.

However, applicant respectfully disagrees for the following reasons:

Firstly, Slaughter describes:

“As shown in FIG. 8, a service 112 publishes an advertisement 132 for itself (represented in XML) in a space 114. The advertisement 132 specifies the service's XML schema and URI address. Then, a client 110 may look up the advertisement 132. The client 110 may use the advertisement 132 to instantiate a gate 130. The gate 130 allows the client 110 to run the service 112, by sending (and receiving) XML messages to (and from) the service 112.” (Slaughter, column 8, line 45 to 53) and that:

“A gate 130 is a message endpoint that may send and/or receive type-safe XML messages, and that may verify the type correctness of XML messages when sending and/or receiving the messages. The message gate may also provide for authentication and/or other security mechanisms to ensure that the message endpoint is secure” (Slaughter, column 20, linen 65 to column 21, line 4)

Thus, the gate is clearly not a set of announcements, but is simply an endpoint, code and data, which allows XML messages to be exchanged.

Notwithstanding this fact, XML messages are neither announcements (because they do not describe a session transmitted through a network), nor (self-evidently) sessions. Moreover, advertisements are not announcements because they do not describe a session transmitted through a network.

Furthermore, in the cited passages, Slaughter merely describes “various security policies of the space are updated by security administration” and that “space facilities include other administrative facilities”.

Strictly taken, the security administration updates security policies of the space. Slaughter does not explicitly disclose what the administrative facilities are performing.

In any case, the relationship between the space and the gate is not clear.

Applicant respectfully submits that the claims of the present application have to be read in light of the specification and clearly the terms used in the present claims, including “announcements”, “sessions”, and “network” have specific meaning to those of ordinary skill in the art and have been specifically used in the application as noted

above. The claims must be interpreted in light of the intrinsic evidence of the specification. As has been established in *Phillips v. AWH Corporation*, 415 F.3d 1303, 1326, 75 USPQ 2d 1321 (Fed. Cir. 2005), a claim term is to be given a meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention; that is, as of the effective filing date of the patent application; and:

“[i]mportantly, the person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but in the context of the entire patent, including the specification.”

For all of the foregoing reasons, it is therefore respectfully submitted that claim 1 is not anticipated by Slaughter.

Furthermore, independent method claim 53, independent apparatus claim 55, independent apparatus claim 58, and independent computer-readable storage medium claims 64 and 65 recite features corresponding to claim 1 and, for similar reasons, are also not anticipated by Slaughter.

Since each of the independent claims are believed to be allowable, it is respectfully submitted that dependent claims 2, 5, 7, 9, 10, 13, 15, 21, 22, 25-29, 31, 34, 42-45, 54, 59-61, and 75-77 are also not anticipated by Slaughter, at least in view of such dependency.

Claim Rejections - 35 USC §103

At section 11, claims 17, 18, and 23 are rejected under 35 USC §103(a) as unpatentable over Slaughter further in view of US patent application publication 2001/0037500, Reynolds.

Each of these claims ultimately depends from an independent claim which is believed to be allowable and therefore each of these claims is also believed to be allowable at least in view of such dependency.

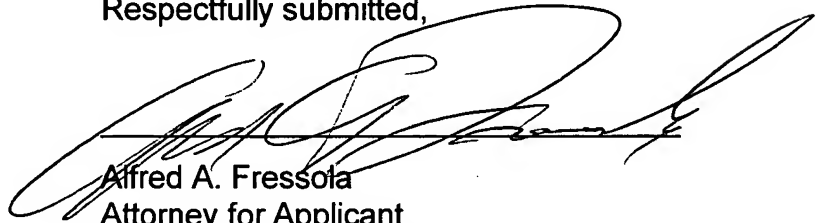
In view of the foregoing, it is respectfully submitted that arguments have been made to overcome the objections and rejections raised in the final Official Action,

including the rejections based on art. These arguments are also responsive to the Response to Arguments section as set forth at pages 16-18 of the final Official Action as set forth above.

In view of the foregoing, it is respectfully submitted that the present claims are in condition for allowance and reconsideration of the rejection of the claims is earnestly requested.

The undersigned respectfully submits that no fee is due for filing this Request for Reconsideration. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alfred A. Fressola', is written over a horizontal line.

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